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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA) CR. NO. S-05-0034-LKK
12)
Plaintiff,)
13 v.) ORDER SETTING TRIAL SCHEDULE
AND EXCLUDING TIME
14)
JAY McCASTLE, and)
15 DAVID TALCOTT USSERY,)
16 Defendants.)

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18 Based upon request of the parties and representations made in
19 open court on February 22, 2006, IT IS HEREBY ORDERED:

20 This matter is set over for a trial confirmation hearing on
21 March 28, 2006, with trial commencing April 12, 2006.

22 The Court finds that the defendants' counsel reasonably require
23 additional time to review discovery with their clients and to
24 conduct investigation for effective preparation for trial.

25 The Court further finds that the ends of justice served by
26 granting the defendant's counsel time to diligently investigate and
27 prepare outweigh the interest of the defendant and the public in a

1 speedy trial.

2 The motion regarding the photographic identification made by a
3 confidential informant will be heard immediately prior to trial.

4 The motion regarding the issue of the potential duplicity in the
5 indictment will be held in abeyance until such time as the
6 government obtains a superseding indictment which they state they
7 intend to seek to add charges and clarify the charges against the
8 two remaining defendants going to trial.

9 Accordingly, the Court orders that time shall be excluded until
10 April 12, 2005 under the Speedy Trial Act, 18 U.S.C. §
11 3161(h)(8)(iv) (T-4 / preparation and continuity of counsel).

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14 Dated: March 7, 2006

/s/ Lawrence K. Karlton
HONORABLE LAWRENCE K. KARLTON
UNITED STATES DISTRICT COURT JUDGE